

In re Application of:

Stanley E. KAY et al.

Application No. 09/359,838

Filed: July 23, 1999

For: AIR INTERFACE FRAME FORMATTING

)
:
) Examiner: NGUYEN, S. H. D.

) Art Unit: 2665

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Technology Center 2600

MAIL STOP Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY UNDER 37 C.F.R. §1.111

Dear Sir:

In response to the Office Action dated September 10, 2003, reconsideration and allowance of the subject application are respectfully requested.

Claims 1, 2-45 are pending in the application, with claims 1, 18, 19, 24, 35, 38, 40 and 45 being independent.

In response to the Restriction Requirement set forth in the Office Action,
Applicants:

- (1) provisionally elect Group II, claims 40-45, with traverse; and
- (2) respectfully request reconsideration and withdrawal of the requirement.

Applicants submit that all claims have already been examined together and rejected over prior art on two occasions, (i) in the Office Action dated October 24, 2002, and (ii) in the Office Action dated March 24, 2003; and therefore continued examination of all claims would not impose a “serious burden” on the Examiner (*see MPEP § 803*).

Further, Applicants believe that if one Examiner continues to act on all claims, then the overall examining time would be reduced (as opposed to two Examiners each examining one group in separate applications); and Applicants believe that the

continued examination of all the claims by one examiner in the present application would best ensure uniform prosecution. Therefore, in accordance with the MPEP, and in the interest of prosecution economy and consistency for both the Patent Office and the Applicants, Applicants respectfully submit that withdrawal of the Restriction Requirement is appropriate.

In view of the foregoing, Applicants submit that this application is in condition for allowance and notice to this effect is respectfully requested.

If, however, the Examiner believes that there are any unresolved issues requiring adverse action in any of the claims now pending in the application, it is requested that the Examiner telephone Craig Plastrik at 301-601-7252, so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,



Craig L. Plastrik
Attorney for Applicant
Registration No. 41,254

September 18, 2003

HUGHES ELECTRONICS CORPORATION
Customer No. 20991

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to MAIL STOP Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia, 22313-1450 on: September 18, 2003.


Ginger Fogle



2665

PATENT
PD-990149

Customer No.: 020991

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Stanley E. Kay et al.
Application No. 09/359,838
Filed: July 23, 1999
For: AIR INTERFACE FRAME FORMATTING

Group Art Unit: 2665

Examiner: Nguyen, S.H.D.

AMENDMENT TRANSMITTAL LETTER

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Technology Center 2600

Mail Stop Non-Fee Amendment
Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an amendment in the above-identified application.

___ Petition for Extension of time is attached hereto. If an additional extension of time is required, please consider this a petition therefor.

___ An extension for ___ months(s) has already been secured; the fee paid therefor of is deducted from the total fee due for the total months of extension now requested.

X Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.


X The fee for claims is calculated below.

CLAIMS AS AMENDED

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE
TOTAL CLAIMS	45 minus	45 =	0 x	\$ 18.00 =	\$ 0
INDEPENDENT CLAIMS	8 minus	8 =	0 x	\$ 84.00 =	\$ 0
MULTIPLE DEPENDENT CLAIMS				\$ 280.00 =	\$ 0
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:					\$ 0


Charge \$ 0 to Deposit Account No. 50-0383 of Hughes Electronics Corporation, El Segundo, California. Please charge any additional fees for claims or credit overpayment to Deposit Account No. 50-0383.

Respectfully submitted,


Craig Plastrik
Reg. No. 41,254

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(301) 428-7172

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Ginger Fogle